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## **OLR Bill Analysis**

**sHB 5588 (as amended by House "A")\***

### ***AN ACT CONCERNING BAIL BONDS.***

#### **SUMMARY:**

This bill makes numerous changes relating to bail bonds in criminal cases, including:

1. allowing a surety to apply to the court to be released from a bond after a principal absconds;
2. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order when an accused fails to appear in court; and
3. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition.

The bill also makes technical changes.

\*House Amendment "A" eliminates a provision in the original file that would have automatically terminated a bond and released the surety when an accused voluntarily returned to court between five business days and six months after a bond forfeiture order.

EFFECTIVE DATE: October 1, 2014

#### **ABSCONDING PRINCIPAL**

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must issue an order to take the person into custody. The principal's surrender discharges the bond. The bill allows (1) the surety to apply

to the court to be released from a bond after a principal absconds and within six months of a bond forfeiture order and (2) a judge to release a surety for good cause.

### **EXTENDING STAY OF FORFEITURE ORDER**

When someone deposits cash or pledges real property equal to the amount of a bond or a person posts a surety bond of \$500 or more, the law requires the court to (1) order the bond forfeited if the accused does not appear in court and (2) issue a rearrest warrant. As under existing law, the court must stay execution of the forfeiture for six months and, if the person returns to custody during that period, automatically terminate the bond and release the surety or person who offered cash bail or pledged real property on behalf of the accused.

The bill allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

### **ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE**

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when the (1) accused is held in another state, territory, or country; (2) bondsman, agent, or insurer provides proof of the accused's detention; and (3) prosecutor does not seek to extradite the accused. The bill also requires the court to vacate a bond forfeiture order and release these individuals if the accused is held by a federal agency or is removed by ICE.

The bill specifies that the court must find that the proof that one of these circumstances exists is satisfactory before vacating a bond and releasing a bondsman, agent, or insurer.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)